

REMARKS

The Examiner's Action mailed on August 22, 2003 has been received and its contents have been carefully considered.

Claims 1-21 are pending in the application. Claims 1, 11 and 18 are the independent claims, and are amended herein. For at least the following reasons, it is submitted that this application, as amended, is in condition for allowance.

Claims 1 and 18 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6, 733,107.

A terminal disclaimer in compliance with 37 CFR 1.321(c) is submitted herewith. Accordingly, withdrawal of the double patenting rejection is respectfully requested. Applicant must emphasize that, according to MPEP 804.02, "The filing of a terminal disclaimer to obviate a rejection based on a nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991)," and that "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Claims 1-16 and 18-21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Magirl et al.* (U.S. patent No. 6,139,128). It is respectfully submitted that claims 1, 11 and 18, as amended, as well as their respective dependent claims 2-10, 12-16 and 19-21, patentably distinguish over the applied *Magirl* reference.

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Applicant's independent claim 1 recites an ink-jet printing module disposed in an ink-jet printing apparatus and including a guiding device, a first servicing device, and a second servicing device. The guiding device extends from a first end to a second end thereof for supporting a print-head for moving therealong. The first servicing device is adjacent to the first end for servicing the print-head. The second servicing device is adjacent to the second end for servicing the print-head. The first servicing device services the print-head when the print-head moves to the first end, and the second servicing device services the print-head when the print-head moves to the second end.

In contrast, *Magirl et al.* discloses two printheads 32, 34 and two print-head service stations. Each printhead has its own service station containing capping, priming and wiping functions. The printhead 32 (for example black) is cleaned and covered by the wiper 70 and cap 80 of a left print-head service station when the carriage 30 has moved to the left side. The printhead 34 (for example color) is cleaned and covered by the wiper 70 and cap 80 of a right print-head service station when the carriage 30 has moved to the right side (see Col. 4, lines 1-3; FIG. 6).

However, *Magirl* fail to disclose that a first servicing device adjacent to the first side and a second servicing device adjacent to the second side opposite to the first side, are both for servicing **the same** print-head. That is, in the applicant's invention the first servicing device and the second servicing device at opposite sides operate on the **same** print-head. On the other hand, it is clear from the description and as shown in FIG. 6, that in *Magirl*, service stations at opposite sides operate on **different** print-heads, wherein the wiper 70 of the left-hand service station is used for cleaning the print-head 32 while the cap 80 of the right-hand service station is used for covering the print-head 34. That is, the left-hand cleaning device

upon which the Examiner relies does not clean the same print-head as the right-hand covering device covers, and the right-hand covering device upon which the Examiner **alternatively** relies does not cover the same print-head as the right-hand cleaning device cleans.

In the Action, the Examiner asserts that the two print heads 32 (black) and 34 (color) can be just one single head, one in which, for example, a portion of the ink nozzles are black and the rest of the nozzles are color. However, the reference upon which the Examiner relies, *Magirl*, is specifically directed to servicing **at least two inkjet printheads** in an inkjet printer (see, for example, col. 1, lines 52-53). The left-hand service station is used for servicing one printhead 32 (black) while the right-hand service station is used for servicing another printhead 34 (color), which is **different from** the print-head 32 (black). It is well established that an anticipation rejection requires all of the claim limitations be found in a single reference. *Magirl* clearly does not fulfill that requirement.

Another significant difference noted earlier is that each print-head 32/34 of *Magirl* is cleaned and covered by the wiper and the cap of its own service station, which, as in the prior art disclosed in FIG. 1A-1B of the present application, is only on one side. By contrast, the present invention utilizes two servicing devices, one at each end of the guiding device, to service the same print-head, with each servicing device performing a different function, such as cleaning or covering. To emphasize this feature, claim 1 is amended herein to recite “a first servicing device of a first kind” and “a second servicing device of a second kind different from the first kind” (added language emphasized). As amended, the claimed structure is not disclosed (nor is it suggested) by *Magirl*. Therefore, claim 1 and its dependent claims 2-10 are not anticipated (or rendered obvious) by the cited reference. Independent claims 11 and 18 are amended in a similar manner, and it is respectfully

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submitted that these claims, as well as their dependent claims 12-16 and 19-21, are patentably distinguishable for at least the reasons advanced above as to the patentability of independent claim 1. Accordingly, the rejection of claims 1-16 and 18-21 should be withdrawn.

Claim 17 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Magirl* in view of *Kobayashi et al.* (U.S. Patent. No. 6,036,299). Because the cited secondary reference by *Kobayashi* fails to overcome the above discussed deficiencies of *Magirl*, it is submitted that claim 17 is patentable over the cited references for at least the reasons advanced above as to the patentability of amended claim 11, from which this claim depends, as well as for the additional features recited therein. As such, this rejection should be withdrawn.

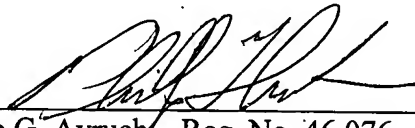
Based on the above, it is submitted that this application is in condition for allowance and Notice of such, with allowed claims 1-21, is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

June 13, 2005

Date


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Enclosure:
Terminal Disclaimer

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